

REMARKS

In the subject Office action dated 19 October 2006, claims 1-3 were examined and claims 4-5 were withdrawn. In response thereto, Applicant has amended claim 3, canceled claims 4-5, added claims 6-8 and have left claims 1-2 under active prosecution in the present application. Applicant respectfully asserts that all amendments are supported by the original disclosure and do not introduce new matter. Moreover, Applicant respectfully asserts that the amendments merely clarify and do not further limit or narrow the scope of the claims. The amendments are made to expedite allowance and issue and do not introduce new issues and thus should be admissible after final rejection in accordance with 37 C.F.R. 1.116.

In the subject Office Action dated October 19, 2006, claims 1-3 were rejected under 35 U.S.C. 103(a) as being unpatentable over Frankson (U. S. Pat. No. 6,076,538) in view of Bellman (U. S. Pat. No. 5,209,784). The Examiner noted that "Frankson discloses an apparatus for cleaning jewelry with a cleaning liquid (as at 11) and with steam (see abstract), comprising a basket (10) to contain the jewelry where the basket includes grasping means (18), and exposing the basket to a cleaning liquid that differs from the claims only in the recitation of the basket having a grasping member affixed to the interior thereof. Bellman is cited disclosing a jewelry clean comprising a basket, where the basket includes a grasping member (13, 18) and having the . It therefore would have been obvious to one having ordinary skill in the art to modify the basket of Frankson, to include grasping means as taught by Bellman for the purpose of preventing damage to the jewelry during the cleaning thereof."

Applicant maintains that a satisfactory response has not been made to the remarks in the first Amendment and Response dated 15 June 2006 that a prima facie case has not been made to combine the two references to realize the claimed invention:

As recited above, the Examiner found it obvious to combine features of Frankson and Bellman. However, a suggestion or motivation for making this combination has not been provided to make a prima facie case of obviousness. Applicant asserts that actually both references teach away from directing a stream at a particular side of a grasped jewelry article, taking advantage of the ability to

manipulate the orientation of the jewelry article with the handle while the jewelry article is held by the grasping member to prevent tumbling. Rather, both of the cited references teach washing in an automated dishwashing machine where pressurized water is to impinge from various, uncontrolled angles. (Frankson, Col. 4 lines 24-29; Col. 5, lines 57-63; Bellman, Col. 1, lines 27-29; Col. 2, lines 61-63).

To restate the point, Applicant asserts that the references fail to appreciate the problem addressed by the claimed invention. A jeweler may choose to orient a jewelry item at a convenient angle to the eye and/or to a stream of cleaning liquid so as to dislodge a particular contaminant. Merely holding the jewelry article without an enclosure risks the momentum of the stream dislodging a precious stone that may then be lost or cause embarrassment while being searched for. The generally known approach to encompassing the jewelry article in the holding basket of Frankson does not allow tumbling of the jewelry article. Thus, the handle portions 18 are not intended by Frankson for orienting the jewelry article at a specific orientation but merely for immersing the basket into a jar of cleaning solution.

While placing the jewelry article on a hook (18) of Bellman may hold the jewelry article, Bellman provides no structure for holding the container (10) at a specific orientation to thus orient the jewelry article for viewing and cleaning. Being intended for use in a dishwasher, Bellman provides no motivation for modification for being manually held during cleaning.

Thus, in both instances, a more elaborate cleaning apparatus (i.e., an automatic dishwasher) is employed, for a longer period since the jeweler is unable to direct the stream at an optimum angle and for only the time required to effect the cleaning.

Reconsideration and allowance of claim 1, as well as claims 2-3 that depend therefrom is respectfully requested. Similarly, consideration and allowance of new claims 6-8 is requested for the same reasons. New claim 6 includes the features of claim 1.

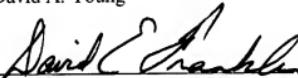
CONCLUSION

In light of the amendments and remarks made herein, it is respectfully submitted that the claims currently pending in the present application are in form for allowance. Accordingly, reconsideration of those claims, as amended herein, is earnestly solicited. Applicant encourages the Examiner to contact his representative, David Franklin at (513) 651-6856 or dfranklin@fbtlaw.com.

No fee is due as the number of claims after amendment total 6 with 3 independent. However, the Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

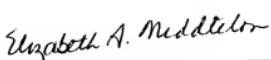
Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that a copy of this correspondence is being deposited with the U.S. Patent Office by electronic transmission, addressed to MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 13th day of November, 2006.


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